

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Henry Stewart, Jr.,
Plaintiff

vs

Case No. C-1-09cv887
(Spiegel, J.; Hogan, M.J.)

Michael J. Astrue,
Commissioner of Social Security,
Defendant

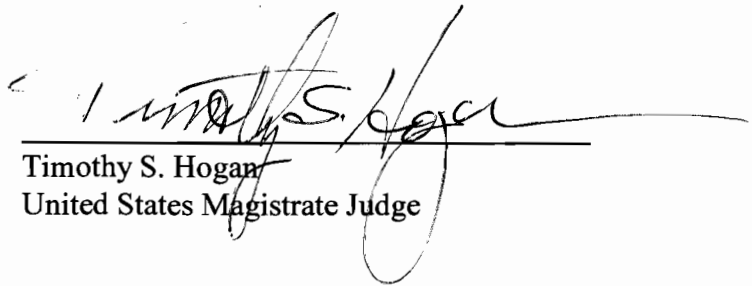
REPORT AND RECOMMENDATION

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's applications for disability insurance benefits and supplemental security income. Plaintiff's action was filed on December 16, 2009 (Doc. 3), and the Answer and transcript of the administrative proceedings were filed on February 12, 2010 and November 18, 2009 (Doc. 7).

The Magistrate Judges' General Order Concerning Social Security Appeals, which was mailed to Plaintiff on December 22, 2009 (Doc. 5), requires Plaintiff to file a Statement of Specific Errors upon which Plaintiff seeks reversal or remand of the Commissioner's decision within 45 days of service of the Answer and administrative record. As such, the Court ordered Plaintiff to show cause why this Court should not dismiss this case for lack of prosecution and failure to abide by a court order. (*See* Doc. 12). To date, Plaintiff has not responded to the Court's order to show cause. Moreover, it appears that Plaintiff has neglected to notify the Court of a change in his address. Failure to notify the Court of any change of address could result in a plaintiff not receiving timely notice of proceedings, which could, in turn, lead to a plaintiff's failure to appear and ultimately to dismissal of his case. *See Buck v. U.S. Dep't. of Agriculture, Farmer's Home Administration*, 960 F.2d 603, 608-09 (6th Cir. 1992); *Walker v. Management Systems, Inc.*, 786 F.2d 1167, 1986 WL 16514 at * 1-2 (6th Cir. Feb. 19, 1986). It is Plaintiff's responsibility to keep the Court apprized of any change in his address. Plaintiff was ordered to show cause why this Court should not dismiss this case for lack of prosecution and failure to abide by a court order. (*See* Doc. 12). Due to his failure to notify the Court of his change in address, service of the Order to Show Cause (Doc. 12) could not be obtained. (*See* Doc. 13).

IT IS THEREFORE RECOMMENDED that Plaintiff's Complaint be dismissed for lack of prosecution and failure to abide by a court order and this case be terminated on the Court's docket.

Date: 5/25/10



Timothy S. Hogan
United States Magistrate Judge

**NOTICE TO THE PARTIES REGARDING THE
FILING OF OBJECTIONS TO THIS R&R**

Pursuant to Fed. R. Civ. P. 72(b), within fourteen (14) days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

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